

STATE OF NEW YORK : SUPREME COURT
COUNTY OF BROOME

-----X
BILLY HYDE,

Plaintiff,

-vs-

SUMMONS

SPEEDWAY, LLC.,

Defendant.
-----X

TO THE ABOVE NAMED DEFENDANT(S):

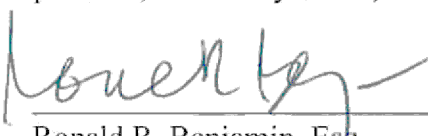
YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's undersigned attorney within twenty (20) days after service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: October 12, 2020
Binghamton, New York

Plaintiff's Address: 474 Leon Drive, Endicott, New York 13760

Defendant's Address: 500 Speedway Drive, Enon, Ohio 45323

DOS Process Address: CT Corporation, 28 Liberty Street, New York, New York 10005



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Law Office of Ronald R. Benjamin
Attorney for Plaintiff Billy Hyde
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STATE OF NEW YORK
SUPREME COURT: COUNTY OF BROOME

BILLY HYDE,

Plaintiff,

COMPLAINT

Index No.:

-against-

SPEEDWAY, LLC.,

Defendants.

Plaintiff, Billy Hyde, by and through his attorney, the Law Office of Ronald R. Benjamin, as and for his Complaint against defendants Speedway #07685 and Speedway, LLC, herein alleges as follows:

1. Plaintiff Billy Hyde resides at 474 Leon Drive, Endicott, New York 13760.
2. Upon information and belief, defendant Speedway, LLC is a foreign limited liability company duly licensed to do business in the State of New York with their corporate offices located at 500 Speedway Drive, Enon, Ohio 45323 and a DOS process address of CT Corporation, 28 Liberty Street, New York, New York 10005.
3. That defendant Speedway, LLC., owns and oversees numerous convenience stores all over the State of New York.
4. That on or about May 8, 2020, plaintiff went to the Speedway located at 503 E. Main Street, Endicott, New York (Store Number: 07685) to purchase coffee and other items.
5. That plaintiff pulled into a parking space located in defendant's lot and when he stepped out of his vehicle, his right foot went into a pothole that was right outside of his vehicle.
6. That as a result of the aforesaid, plaintiff's ankle turned thereby causing him to sustain personal injuries, including but not limited to, a fractured right ankle.

7. Upon information and belief, the aforesaid injury is permanent in nature, the extent of which cannot now be determined.

8. That plaintiff fell as a result of the defendant's negligence, including but not limited to failing to properly maintain the parking by allowing large pothole to exist and remain on the premises that is frequented by customers on a daily basis; failing to repair the hazardous condition; and failure to warn patrons of the hazardous condition that existed on its premises, all of which caused the plaintiff's injury as set forth above.

9. That even after plaintiff fell and reported the same to the defendant, when he returned to the store approximately 2 weeks later, the pothole was still there and a cone had been placed over it.

10. The accident and resulting injury sustained by plaintiff was caused solely by the negligence of the defendant with no negligence on the part of the plaintiff.

11. As a result of the aforesaid, plaintiff sustained a significant pain and suffering and has incurred and will likely continue to incur medical expenses in an effort to treat his injury.

12. As a further result of the aforesaid, plaintiff sustained economical loss due to his inability to work following the accident which is the subject of this Complaint.

13. As a further result of the aforesaid, plaintiff has been damaged in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction and is entitled to compensatory damages in an amount to be determined at trial.

WHEREFORE, plaintiff Billy Hyde demands judgment against the defendant Speedway, LLC, as follows:

- (A) Award plaintiff Billy Hyde compensatory damages in an amount to be determined at trial; and

(B) Award plaintiff Billy Hyde such other and further relief as the Court
deems just and proper under the circumstances.

Dated: October 12, 2020
Binghamton, New York



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